

Buchwald, W.

PREET BHARARA
United States Attorney for the
Southern District of New York
By: CHRISTINE I. MAGDO
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 06/12/2013

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:
UNITED STATES OF AMERICA, : STIPULATION AND ORDER OF
:
- v. - : SETTLEMENT
:
\$9,328.00 IN UNITED STATES :
CURRENCY, :
:
Defendant-*in-rem*. :
-----X

WHEREAS, on or about September 12, 2012, members from the New York City Police Department ("NYPD") seized \$9,328.00 in United States currency (the "DEFENDANT CURRENCY") from Calvin Darden;

WHEREAS, on or about November 13, 2012, the DEFENDANT CURRENCY was transported to the United States Drug Enforcement Administration ("DEA") for processing;

WHEREAS, on or about December 2, 2012 the DEA began its Administrative Forfeiture proceedings against the DEFENDANT CURRENCY by publishing its intent to forfeit the DEFENDANT CURRENCY by publishing notice in a newspaper of general circulation.

WHEREAS, on or about February 13, 2013, the DEA received a claim from Calvin Darden (the "Claimant") asserting a claim of sole ownership of the DEFENDANT CURRENCY;

WHEREAS, the DEA subsequently referred the matter to the United States Attorney's Office for judicial forfeiture;

WHEREAS, Title 18, United States Code, Section 983(a)(3)(A) provides that, "[n]ot later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties";

WHEREAS, pursuant to Title 18, United States Code, Section 983(a)(3), the Government was required to file a civil complaint to forfeit the DEFENDANT CURRENCY no later than May 11, 2013;

WHEREAS, the Government filed a civil complaint to forfeit the DEFENDANT CURRENCY on May 10, 2013;

WHEREAS, the Claimant is the only person known by the Government to have an interest in the DEFENDANT CURRENCY, and no other parties have filed a claim in this action; and

WHEREAS, Claimant, admitting no wrongdoing in connection herewith, has agreed to settle this matter without further litigation;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED, by and between Preet Bharara, United States Attorney for the Southern District of New York, by and through Assistant United States Attorney Christine I. Magdo, and the Claimant, that:

1. The sum of \$5,596.80 in United States currency, shall be released to the claimant, Calvin Darden by the United States Marshals Service (or its designee), through an electronic transfer issued by the United States Marshals Service to the Claimant's bank account designated on the UFMS Vendor Request Form to be completed by Claimant.
2. The sum of \$5,596.80 in United States currency, shall be released to the Claimant, Calvin Darden, by the United States Marshals Service (or its designee).
3. Claimant, Calvin Darden, shall withdraw his claim and/or petition to the balance of the DEFENDANT CURRECNY.
4. The balance of the DEFENDANT CURRECNY, consisting of \$3,731.20 in United States currency, shall be forfeited to the United States pursuant to Title 18, United States Code, Section 981.
5. Claimant is hereby barred from asserting, or assisting others in asserting, any claim against the United States of America ("USA"), the Department of Justice ("DOJ"), the United States Attorney's Office for the Southern District of New York ("SDNY-USAO"), the Drug Enforcement Administration ("DEA"), the New York City Police Department ("NYPD"), the United States Marshals Service ("USMS"), or any agents and employees of the USA, the

DOJ, the USAO-SDNY, the DEA, the NYPD, or the USMS, in connection with or arising out of the seizure, restraint, and/or constructive possession of the DEFENDANT CURRENCY, including, but not limited to, any claim that there was no probable cause to seize and/or forfeit the DEFENDANT CURRENCY, that the Claimant is a prevailing party, or that the Claimant is entitled to attorney's fees or any award of interest.

6. Claimant hereby agrees to waive all rights to appeal or otherwise challenge or contest the validity of this Stipulation and Order of Settlement.

7. Each party to this Stipulation and Order of Settlement shall bear its own costs and attorney's fees.

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8. This Stipulation may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed the complete Stipulation. Fax or PDF copies shall be treated as originals.

Dated: New York, New York
May 16, 2013

PREET BHARARA
United States Attorney for
the Southern District of New York
Attorney for Plaintiff

By: Christine I. Magdo
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Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Telephone: (212) 637-2297
Fax: (212) 637-0421

5/16/13
DATE

Calvin Darden
Claimant

By: _____
Calvin Darden
The Claimant
3150 Broadway, Apt #7D
New York, New York 10027
Telephone: (347) 444-8354

DATE

So Ordered:

HONORABLE NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

DATE

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Dated: New York, New York
May __, 2013

PREET BHARARA
United States Attorney for
the Southern District of New York
Attorney for Plaintiff

By: _____

Christine I. Magdo
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Telephone: (212) 637-2297
Fax: (212) 637-0421

DATE

Calvin Darden
Claimant

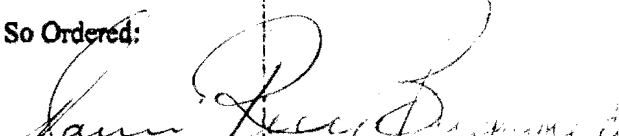
By: _____

Calvin Darden
The Claimant
3150 Broadway, Apt #7D
New York, New York 10027
Telephone: (347) 444-8354

5-17-2013

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UNITED STATES DISTRICT JUDGE
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